

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

-against- :

PAUL M. DAUGERDAS, et. al., :

Defendants. :

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USDC SDNY
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S6 09 Cr. 581 (WHP)

ORDER

WILLIAM H. PAULEY III, United States District Judge:

Robert B. Coplan moves pro se to prohibit the Government from issuing a transfer order to produce him as a witness at trial. In his motion, Coplan avers that transferring him from FCI Morgantown, in Morgantown, West Virginia, to a prison facility in the New York metropolitan area, will interfere with his planned celebration during the Jewish High Holidays and deprive him of necessary medication.

To be sure, this Court does not desire to interfere with Coplan's constitutional right to freely practice his religion. But this Court is conducting a criminal trial that commenced on September 9, 2013 and is expected to conclude within six weeks. Coplan's in-person testimony at that trial is required. And Coplan is not a free citizen who can fly to New York to testify when his celebration is complete. He is a convicted felon, who is in the custody of the Bureau of Prisons. As such, his transfer from a facility in West Virginia to New York will likely take more than two weeks and involve a meandering route. That reality requires Coplan to begin his trip well in advance of his expected testimony.

The Government points out that Coplan could have avoided interference with his celebration if he had agreed to be transferred on August 21, 2013. But Coplan declined that offer. As a compromise, the Government offered to delay his transfer until trial commenced on

September 9, 2013. Coplan declined that offer as well (although his counsel apparently agreed to it). And Coplan now wants this Court to delay his transfer until September 27, 2013 and guarantee that he not be routed through Oklahoma.

This Court is not a travel agent. And this Court will not dictate to the Bureau of Prisons the most efficient or direct transfer route. Further, the Government's response makes clear that Coplan will have access to religious services and his required medication at the transfer facility in New York. Accordingly, this Court finds that there will be no undue interference with Coplan's ability to practice his religion at that facility. To the extent that Coplan's transfer now—as opposed to when the Government first requested it—will cause him some hardship, that difficulty is of his own making. This year, Coplan's annual Sukkot pilgrimage will have to be to New York, not Jerusalem.

For the foregoing reasons, Robert B. Coplan's motion to prohibit the Government from issuing a transfer order to produce him as a witness at trial is denied. The Clerk of the Court is directed to terminate the motion pending at ECF No. 661.

Dated: September 11, 2013
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III,
U.S.D.J.

All Counsel of Record (by ECF)

Copy mailed to:

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